

REMARKS

This communication is in response to the office action mailed on February 9, 2010 rejecting claims 1-14.

With this response, claims 1 and 5 are amended and claim 15 is new. Claims 1-15 remain pending in the application.

Claim rejections under 35 U.S.C. § 103

Claims 1-10 were rejected under 35 U.S.C. § 103 as unpatentable over JP402270818A ("the '818 patent") in view of JP 06199660A ("the '660 Patent").

The '818 patent discloses at page 2 a plaster having a polyurethane film as a substrate, where the substrate has a thickness between 4-150 μm and a water vapor transmission of the plaster is between 300-500 $\text{g/m}^2/24\text{hr}$. The plaster of the '818 patent includes a drug-containing layer as disclosed beginning at pages 2-3. The '818 patent discloses at page 9 that if the water vapor transmission is below 300 $\text{g/m}^2/24\text{hr}$, contact dermatitis or redness of the skin occurs, and if the water vapor transmission is above 500 $\text{g/m}^2/24\text{hr}$, the absorptivity of the drug is lowered.

The '660 patent discloses a patch having "excellent" drug release properties. The '660 patent discloses at Tables 4 and 5 (page 19) that the water vapor transmission for every sample is between 120-172 $\text{g/m}^2/24\text{hr}$.

The cited references of the '818 patent '660 patent are directed to drug delivery patches. These drug delivery patches are different from the adhesive moist wound healing patch of the pending application. In particular, the adhesive moist wound healing patch of the pending application is described at page 4 as having a unique combination of a limited absorption combined with a high permeability to provide optimal conditions for moist wound healing and long wear time when applied to skin.

With this response, independent claim 1 has been amended to require that a vapour permeability of the patch is greater than 500 g/m^2 . The cited references, alone or in combination, fail to teach or suggest a vapour permeability of greater than 500 g/m^2 . In fact, the '818 patent teaches away from this claimed limitation by stating at page 9 that vapour permeabilities above 500 g/m^2 cause the absorptivity of the drug to be lowered, which naturally would be undesirable

for a drug delivery patch. In a consistent manner for such drug delivery patches, the disclosed vapour permeability of the drug delivery patches in the '660 patent are all less than 175 g/m^2 . Thus, none of the cited references, alone or in combination, teach or suggest a patch with the claimed combination of limited absorption (e.g., $40\text{-}600 \text{ g/m}^2/6\text{h}$) combined with a high vapour permeability (e.g., vapour permeability of the patch is greater than 500 g/m^2).

Claims 2-14 further define patentably distinct amended independent claim 1, and are thus believe to be allowable over the cited references.

Thus, it is respectfully requested that the rejections to claims 1-10 under 35 U.S.C. § 103 over the '818 patent in view of the '660 patent be withdrawn.

Claims 1-14 were rejected under 35 U.S.C. § 103 as unpatentable over the '818 patent in view of the '660 patent and further in view of Hirsch, US patent number 3,658,065 ("Hirsch"). Hirsch is cited as providing an absorbent bandage having an integral reservoir. Applicant does not acquiesce to the propriety of the combination of the '818 patent and the '660 patent with Hirsch, but notes that even if combined, Hirsch fails to cure the deficiencies of the '818 patent '660 patent in establishing a *prima facie* case of obviousness over amended independent claim 1. Thus, it is respectfully requested that the rejections to claims 1-14 be withdrawn.

Claim 15 is newly presented in further define patentably distinct subject matter over the cited references and requires that at the periphery of the patch the thickness of the adhesive layer is $50\text{-}80 \text{ }\mu\text{m}$ and the vapour permeability of the patch is between $550\text{-}750 \text{ g/m}^2$ and the absorption of the patch is $70\text{-}250 \text{ g/m}^2/6\text{h}$.

CONCLUSION

Applicant respectfully asserts that pending claims 1-15 recite patentable subject matter and are in condition for allowance.

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The Examiner is respectfully urged to telephone the undersigned if issues remain outstanding.

The office is authorized to charge any fees actually due and credit any overpayment to deposit account 50-4439

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Respectfully submitted,

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